

**Introduced by Senator Hollingsworth**February 22, 2005

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An act to amend Section 290 of the Penal Code, relating to sex offender registration.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1045, as introduced, Hollingsworth. Sex offender registration.

Existing law requires every person convicted of a sex offense, as specified, to register with the local law enforcement agency that has jurisdiction over the area in which the person resides.

This bill would authorize local law enforcement agencies to establish regional registration centers for these purposes.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 290 of the Penal Code is amended to  
2     read:  
3     290. (a) (1) (A) Every person described in paragraph (2), for  
4     the rest of his or her life while residing in California, or while  
5     attending school or working in California, as described in  
6     subparagraph (G), shall be required to register with the chief of  
7     police of the city in which he or she is residing, or the sheriff of  
8     the county if he or she is residing is located, in an unincorporated  
9     area or city that has no police department, and, additionally, with  
10    the chief of police of a campus of the University of California,  
11    the California State University, or community college if he or she  
12    is residing upon the campus or in any of its facilities, within five  
13    working days of coming into, or changing his or her residence

1 within, any city, county, or city and county, or campus in which  
2 he or she temporarily resides. *Local law enforcement agencies*  
3 *may pool their resources to establish regional registration*  
4 *centers for these purposes.*

5 (B) If the person who is registering has more than one  
6 residence address at which he or she regularly resides, he or she  
7 shall register in accordance with subparagraph (A) in each of the  
8 jurisdictions in which he or she regularly resides, regardless of  
9 the number of nights spent there. If all of the addresses are within  
10 the same jurisdiction, the person shall provide the registering  
11 authority with all of the addresses where he or she regularly  
12 resides .

13 (C) Every person described in paragraph (2), for the rest of  
14 his or her life while living as a transient in California shall be  
15 required to register, as follows:

16 (i) A transient must register, or reregister if the person has  
17 previously registered, within five working days from release  
18 from incarceration, placement or commitment, or release on  
19 probation, pursuant to paragraph (1) of subdivision (a), except  
20 that if the person previously registered at a transient less than 30  
21 days from the date of his or her release from incarceration, he or  
22 she does not need to reregister as a transient until his or her next  
23 required 30-day update of registration. If a transient is not  
24 physically present in any one jurisdiction for five consecutive  
25 working days, he or she must register in the jurisdiction in which  
26 he or she is physically present on the fifth working day following  
27 release, pursuant to paragraph (1) of subdivision (a). Beginning  
28 on or before the 30th day following initial registration upon  
29 release, a transient must reregister no less than once every 30  
30 days thereafter. A transient shall register with the chief of police  
31 of the city in which he or she is physically present within that  
32 30-day period, or the sheriff of the county if he or she is  
33 physically present in an unincorporated area or city that has no  
34 police department, and additionally, with the chief of police of a  
35 campus of the University of California, the California State  
36 University, or community college if he or she is physically  
37 present upon the campus or in any of its facilities. A transient  
38 must reregister no less than once every 30 days regardless of the  
39 length of time he or she has been physically present in the  
40 particular jurisdiction in which he or she reregisters. If a transient

1 fails to reregister within any 30-day period, he or she may be  
2 prosecuted in any jurisdiction in which he or she is physically  
3 present.

4 (ii) A transient who moves to a residence shall have five  
5 working days within which to register at that address, in  
6 accordance with subparagraph (A) of paragraph (1) of  
7 subdivision (a). A person registered at a residence address in  
8 accordance with subparagraph (A) of paragraph (1) of  
9 subdivision (a), who becomes transient shall have five working  
10 days within which to reregister as a transient in accordance with  
11 clause (i).

12 (iii) Beginning on his or her first birthday following  
13 registration, a transient shall register annually, within five  
14 working days of his or her birthday, to update his or her  
15 registration with the entities described in clause (i). A transient  
16 shall register in whichever jurisdiction he or she is physically  
17 present on that date. At the 30-day updates and the annual  
18 update, a transient shall provide current information as required  
19 on the Department of Justice annual update form, including the  
20 information described in subparagraphs (A) to (C), inclusive, of  
21 paragraph (2) of subdivision (e), and the information specified in  
22 clause (iv).

23 (iv) A transient shall, upon registration and reregistration,  
24 provide current information as required on the Department of  
25 Justice registration forms, and shall also list the places where he  
26 or she sleeps, eats, works, frequents, and engages in leisure  
27 activities. If a transient changes or adds to the places listed on the  
28 form during the 30-day period, he or she does not need to report  
29 the new place or places until the next required reregistration.

30 (v) Failure to comply with the requirement of reregistering  
31 every 30 days following initial registration pursuant to clause (i)  
32 of this subparagraph shall be punished in accordance with  
33 paragraph (6) of subdivision (g). Failure to comply with any  
34 other requirement of this section shall be punished in accordance  
35 with either paragraph (1) or (2) of subdivision (g).

36 (vi) A transient who moves out of state shall inform, in person  
37 or in writing, the chief of police in the city in which he or she is  
38 physically present, or the sheriff of the county, if he or she  
39 physically present in an unincorporated area or city that has no  
40 police department, within five working days of his or her move

1 out of state. The transient shall inform that registering agency of  
2 his or her planned destination, residence or transient location out  
3 of state, and any plans he or she has to return to California, if  
4 known. The law enforcement agency shall, within three days  
5 after receipt of this information, forward a copy of the change of  
6 location information to the Department of Justice. The  
7 department shall forward appropriate registration data to the law  
8 enforcement agency having local jurisdiction of the new place of  
9 residence or location.

10 (vii) For purposes of this section, “transient” means a person  
11 who has no residence. “Residence” means a place where a person  
12 is living or temporarily staying for more than five days, such as a  
13 shelter or structure that can be located by a street address,  
14 including, but not limited to, houses, apartment buildings, motels,  
15 hotels, homeless shelters, and recreational and other vehicles.

16 (viii) The transient registrant’s duty to update his or her  
17 registration no less than every 30 days shall begin with his or her  
18 second transient update following the date this subdivision  
19 became effective.

20 (D) Beginning on his or her first birthday following  
21 registration or change of address, the person shall be required to  
22 register annually, within five working days of his or her birthday,  
23 to update his or her registration with the entities described in  
24 subparagraph (A). At the annual update, the person shall provide  
25 current information as required on the Department of Justice  
26 annual update form, including the information described in  
27 subparagraphs (A) to (C), inclusive, of paragraph (2) of  
28 subdivision (e).

29 (E) In addition, every person who has ever been adjudicated a  
30 sexually violent predator, as defined in Section 6600 of the  
31 Welfare and Institutions Code, shall, after his or her release from  
32 custody, verify his or her address no less than once every 90 days  
33 and place of employment, including the name and address of the  
34 employer, in a manner established by the Department of Justice.

35 (F) No entity shall require a person to pay a fee to register or  
36 update his or her registration pursuant to this section. The  
37 registering agency shall submit registrations, including annual  
38 updates or changes of address, directly into the Department of  
39 Justice Violent Crime Information Network (VCIN).

(G) Persons required to register in their state of residence who are out-of-state residents employed, or carrying on a vocation in California on a full-time or part-time basis, with or without compensation, for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year, shall register in accordance with subparagraph (A). Persons described in paragraph (2) who are out-of-state residents enrolled in any educational institution in California, as defined in Section 22129 of the Education Code, on a full-time or part-time basis, shall register in accordance with subparagraph (A). The place where the out-of-state resident is located, for purposes of registration, shall be the place where the person is employed, carrying on a vocation, or attending school. The out-of-state resident subject to this subparagraph shall, in addition to the information required pursuant to subdivision (e), provide the registering authority with the name of his or her place of employment or the name of the school attended in California, and his or her address or location in his or her state of residence. The registration requirement for persons subject to this subparagraph shall become operative on November 25, 2000. The terms “employed or carries on a vocation” include employment whether or not financially compensated, volunteered, or performed for government or educational benefit.

(2) The following persons shall be required to register pursuant to paragraph (1):

(A) Any person who, since July 1, 1944, has been or is hereafter convicted in any court in this state or in any federal or military court of a violation of Section 207 or 209 committed with intent to violate Section 261, 286, 288, 288a, or 289, Section 220, except assault to commit mayhem, Section 243.4, paragraph (1), (2), (3), (4), or (6) of subdivision (a) of Section 261, or paragraph (1) of subdivision (a) of Section 262 involving the use of force or violence for which the person is sentenced to the state prison, Section 264.1, 266, or 266c, subdivision (b) of Section 266h, subdivision (b) of Section 266i, Section 266j, 267, 269, 285, 286, 288, 288a, 288.5, or 289, Section 311.1, subdivision (b), (c), or (d) of Section 311.2, Section 311.3, 311.4, 311.10, 311.11, or 647.6, former Section 647a, subdivision (c) of Section 653f, subdivision 1 or 2 of Section 314, any offense involving lewd or lascivious conduct under Section 272, or any felony violation of Section 288.2; or any statutory predecessor

1 that includes all elements of one of the above-mentioned  
2 offenses; or any person who since that date has been or is  
3 hereafter convicted of the attempt to commit any of the  
4 above-mentioned offenses.

5 (B) Any person who, since July 1, 1944, has been or hereafter  
6 is released, discharged, or paroled from a penal institution where  
7 he or she was confined because of the commission or attempted  
8 commission of one of the offenses described in subparagraph  
9 (A).

10 (C) Any person who, since July 1, 1944, has been or hereafter  
11 is determined to be a mentally disordered sex offender under  
12 Article 1 (commencing with Section 6300) of Chapter 2 of Part 2  
13 of Division 6 of the Welfare and Institutions Code or any person  
14 who has been found guilty in the guilt phase of a trial for an  
15 offense for which registration is required by this section but who  
16 has been found not guilty by reason of insanity in the sanity  
17 phase of the trial.

18 (D) (i) Any person who, since July 1, 1944, has been, or is  
19 hereafter convicted in any other court, including any state,  
20 federal, or military court, of any offense that, if committed or  
21 attempted in this state, would have been punishable as one or  
22 more of the offenses described in subparagraph (A).

23 (ii) Any person ordered by any other court, including any  
24 state, federal, or military court, to register as a sex offender for  
25 any offense, if the court found at the time of conviction or  
26 sentencing that the person committed the offense as a result of  
27 sexual compulsion or for purposes of sexual gratification.

28 (iii) Except as provided in clause (iv), any person who would  
29 be required to register while residing in the state of conviction for  
30 a sex offense committed in that state.

31 (iv) Clause (iii) shall not apply to a person required to register  
32 in the state of conviction if the conviction was for the equivalent  
33 of one of the following offenses, and the person is not subject to  
34 clause (i):

35 (I) Indecent exposure, pursuant to Section 314.

36 (II) Unlawful sexual intercourse, pursuant to Section 261.5.

37 (III) Incest, pursuant to Section 285.

38 (IV) Sodomy, pursuant to Section 286, or oral copulation,  
39 pursuant to Section 288a, provided that the offender notifies the  
40 Department of Justice that the sodomy or oral copulation

1 conviction was for conduct between consenting adults, as  
2 described in subparagraph (F) of paragraph (2) of subdivision (a),  
3 and the department is able, upon the exercise of reasonable  
4 diligence, to verify that fact.

5 (E) Any person ordered by any court to register pursuant to  
6 this section for any offense not included specifically in this  
7 section if the court finds at the time of conviction or sentencing  
8 that the person committed the offense as a result of sexual  
9 compulsion or for purposes of sexual gratification. The court  
10 shall state on the record the reasons for its findings and the  
11 reasons for requiring registration.

12 (F) (i) Notwithstanding any other subdivision, a person who  
13 was convicted before January 1, 1976, under subdivision (a) of  
14 Section 286, or Section 288a, shall not be required to register  
15 pursuant to this section for that conviction if the conviction was  
16 for conduct between consenting adults that was decriminalized  
17 by Chapter 71 of the Statutes of 1975 or Chapter 1139 of the  
18 Statutes of 1976. The Department of Justice shall remove that  
19 person from the Sex Offender Registry, and the person is  
20 discharged from his or her duty to register pursuant to the  
21 following procedure:

22 (I) The person submits to the Department of Justice official  
23 documentary evidence, including court records or police reports,  
24 that demonstrate that the person's conviction pursuant to either of  
25 those sections was for conduct between consenting adults that  
26 was decriminalized; or

27 (II) The person submits to the department a declaration stating  
28 that the person's conviction pursuant to either of those sections  
29 was for consensual conduct between adults that has been  
30 decriminalized. The declaration shall be confidential and not a  
31 public record, and shall include the person's name, address,  
32 telephone number, date of birth, and a summary of the  
33 circumstances leading to the conviction, including the date of the  
34 conviction and county of the occurrence.

35 (III) The department shall determine whether the person's  
36 conviction was for conduct between consensual adults that has  
37 been decriminalized. If the conviction was for consensual  
38 conduct between adults that has been decriminalized, and the  
39 person has no other offenses for which he or she is required to  
40 register pursuant to this section, the department shall, within 60

1 days of receipt of those documents, notify the person that he or  
2 she is relieved of the duty to register, and shall notify the local  
3 law enforcement agency with which the person is registered that  
4 he or she has been relieved of the duty to register. The local law  
5 enforcement agency shall remove the person's registration from  
6 its files within 30 days of receipt of notification. If the  
7 documentary or other evidence submitted is insufficient to  
8 establish the person's claim, the department shall, within 60 days  
9 of receipt of those documents, notify the person that his or her  
10 claim cannot be established, and that the person shall continue to  
11 register pursuant to this section. The department shall provide,  
12 upon the person's request, any information relied upon by the  
13 department in making its determination that the person shall  
14 continue to register pursuant to this section. Any person whose  
15 claim has been denied by the department pursuant to this clause  
16 may petition the court to appeal the department's denial of the  
17 person's claim.

18 (ii) On or before July 1, 1998, the department shall make a  
19 report to the Legislature concerning the status of persons who  
20 may come under the provisions of this subparagraph, including  
21 the number of persons who were convicted before January 1,  
22 1976, under subdivision (a) of Section 286 or Section 288a and  
23 are required to register under this section, the average age of  
24 these persons, the number of these persons who have any  
25 subsequent convictions for a registerable sex offense, and the  
26 number of these persons who have sought successfully or  
27 unsuccessfully to be relieved of their duty to register under this  
28 section.

29 (b) (1) Any person who is released, discharged, or paroled  
30 from a jail, state or federal prison, school, road camp, or other  
31 institution where he or she was confined because of the  
32 commission or attempted commission of one of the offenses  
33 specified in subdivision (a) or is released from a state hospital to  
34 which he or she was committed as a mentally disordered sex  
35 offender under Article 1 (commencing with Section 6300) of  
36 Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions  
37 Code, shall, prior to discharge, parole, or release, be informed of  
38 his or her duty to register under this section by the official in  
39 charge of the place of confinement or hospital, and the official  
40 shall require the person to read and sign any form that may be



1 required by the Department of Justice, stating that the duty of the  
2 person to register under this section has been explained to the  
3 person. The official in charge of the place of confinement or  
4 hospital shall obtain the address where the person expects to  
5 reside upon his or her discharge, parole, or release and shall  
6 report the address to the Department of Justice. The official shall  
7 at the same time forward a current photograph of the person to  
8 the Department of Justice.

9 (2) The official in charge of the place of confinement or  
10 hospital shall give one copy of the form to the person and shall  
11 send one copy to the Department of Justice and one copy to the  
12 appropriate law enforcement agency or agencies having  
13 jurisdiction over the place the person expects to reside upon  
14 discharge, parole, or release. If the conviction that makes the  
15 person subject to this section is a felony conviction, the official  
16 in charge shall, not later than 45 days prior to the scheduled  
17 release of the person, send one copy to the appropriate law  
18 enforcement agency or agencies having local jurisdiction where  
19 the person expects to reside upon discharge, parole, or release;  
20 one copy to the prosecuting agency that prosecuted the person;  
21 and one copy to the Department of Justice. The official in charge  
22 of the place of confinement or hospital shall retain one copy.

23 (c) (1) Any person who is convicted in this state of the  
24 commission or attempted commission of any of the offenses  
25 specified in subdivision (a) and who is released on probation,  
26 shall, prior to release or discharge, be informed of the duty to  
27 register under this section by the probation department, and a  
28 probation officer shall require the person to read and sign any  
29 form that may be required by the Department of Justice, stating  
30 that the duty of the person to register under this section has been  
31 explained to him or her. The probation officer shall obtain the  
32 address where the person expects to reside upon release or  
33 discharge and shall report within three days the address to the  
34 Department of Justice. The probation officer shall give one copy  
35 of the form to the person, send one copy to the Department of  
36 Justice, and forward one copy to the appropriate law enforcement  
37 agency or agencies having local jurisdiction where the person  
38 expects to reside upon his or her discharge, parole, or release.

39 (2) Any person who is convicted in this state of the  
40 commission or attempted commission of any of the offenses

1 specified in subdivision (a) and who is granted conditional  
2 release without supervised probation, or discharged upon  
3 payment of a fine, shall, prior to release or discharge, be  
4 informed of the duty to register under this section in open court  
5 by the court in which the person has been convicted, and the  
6 court shall require the person to read and sign any form that may  
7 be required by the Department of Justice, stating that the duty of  
8 the person to register under this section has been explained to  
9 him or her. If the court finds that it is in the interest of the  
10 efficiency of the court, the court may assign the bailiff to require  
11 the person to read and sign forms under this section. The court  
12 shall obtain the address where the person expects to reside upon  
13 release or discharge and shall report within three days the address  
14 to the Department of Justice. The court shall give one copy of the  
15 form to the person, send one copy to the Department of Justice,  
16 and forward one copy to the appropriate law enforcement agency  
17 or agencies having local jurisdiction where the person expects to  
18 reside upon his or her discharge, parole, or release.

19 (d) (1) Any person who, on or after January 1, 1986, is  
20 discharged or paroled from the Department of the Youth  
21 Authority to the custody of which he or she was committed after  
22 having been adjudicated a ward of the juvenile court pursuant to  
23 Section 602 of the Welfare and Institutions Code because of the  
24 commission or attempted commission of any offense described in  
25 paragraph (3) shall be subject to registration under the procedures  
26 of this section.

27 (2) Any person who is discharged or paroled from a facility in  
28 another state that is equivalent to the Department of the Youth  
29 Authority, to the custody of which he or she was committed  
30 because of an offense which, if committed or attempted in this  
31 state, would have been punishable as one or more of the offenses  
32 described in paragraph (3), shall be subject to registration under  
33 the procedures of this section.

34 (3) Any person described in this subdivision who committed  
35 an offense in violation of any of the following provisions shall be  
36 required to register pursuant to this section:

37 (A) Assault with intent to commit rape, sodomy, oral  
38 copulation, or any violation of Section 264.1, 288, or 289 under  
39 Section 220.

1 (B) Any offense defined in paragraph (1), (2), (3), (4), or (6)  
2 of subdivision (a) of Section 261, Section 264.1, 266c, or 267,  
3 paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of,  
4 Section 286, Section 288 or 288.5, paragraph (1) of subdivision  
5 (b) of, or subdivision (c) or (d) of, Section 288a, subdivision (a)  
6 of Section 289, or Section 647.6.

7 (C) A violation of Section 207 or 209 committed with the  
8 intent to violate Section 261, 286, 288, 288a, or 289.

9 (4) Prior to discharge or parole from the Department of the  
10 Youth Authority, any person who is subject to registration under  
11 this subdivision shall be informed of the duty to register under  
12 the procedures set forth in this section. Department of the Youth  
13 Authority officials shall transmit the required forms and  
14 information to the Department of Justice.

15 (5) All records specifically relating to the registration in the  
16 custody of the Department of Justice, law enforcement agencies,  
17 and other agencies or public officials shall be destroyed when the  
18 person who is required to register has his or her records sealed  
19 under the procedures set forth in Section 781 of the Welfare and  
20 Institutions Code. This subdivision shall not be construed as  
21 requiring the destruction of other criminal offender or juvenile  
22 records relating to the case that are maintained by the  
23 Department of Justice, law enforcement agencies, the juvenile  
24 court, or other agencies and public officials unless ordered by a  
25 court under Section 781 of the Welfare and Institutions Code.

26 (e) (1) On or after January 1, 1998, upon incarceration,  
27 placement, or commitment, or prior to release on probation, any  
28 person who is required to register under this section shall  
29 preregister. The preregistering official shall be the admitting  
30 officer at the place of incarceration, placement, or commitment,  
31 or the probation officer if the person is to be released on  
32 probation. The preregistration shall consist of all of the  
33 following:

34 (A) A preregistration statement in writing, signed by the  
35 person, giving information that shall be required by the  
36 Department of Justice.

37 (B) The fingerprints and a current photograph of the person.

38 (C) Any person who is preregistered pursuant to this  
39 subdivision is required to be preregistered only once.

(2) A person described in paragraph (2) of subdivision (a) shall register, or reregister if the person has previously registered, upon release from incarceration, placement, commitment, or release on probation pursuant to paragraph (1) of subdivision (a). The registration shall consist of all of the following:

(A) A statement in writing signed by the person, giving information as shall be required by the Department of Justice and giving the name and address of the person's employer, and the address of the person's place of employment if that is different from the employer's main address.

(B) The fingerprints and a current photograph of the person taken by the registering official.

(C) The license plate number of any vehicle owned by, regularly driven by, or registered in the name of the person.

(D) Notice to the person that, in addition to the requirements of paragraph (4), he or she may have a duty to register in any other state where he or she may relocate.

(E) Copies of adequate proof of residence, which shall be limited to a California driver's license, California identification card, recent rent or utility receipt, printed personalized checks or other recent banking documents showing that person's name and address, or any other information that the registering official believes is reliable. If the person has no residence and no reasonable expectation of obtaining a residence in the foreseeable future, the person shall so advise the registering official and shall sign a statement provided by the registering official stating that fact. Upon presentation of proof of residence to the registering official or a signed statement that the person has no residence, the person shall be allowed to register. If the person claims that he or she has a residence but does not have any proof of residence, he or she shall be allowed to register but shall furnish proof of residence within 30 days of the date he or she is allowed to register.

(3) Within three days thereafter, the preregistering official or the registering law enforcement agency or agencies shall forward the statement, fingerprints, photograph, and vehicle license plate number, if any, to the Department of Justice.

(f) (1) If any person who is required to register pursuant to this section and who has a residence address changes his or her residence address, whether within the jurisdiction in which he or

1 she is currently registered or to a new jurisdiction inside or  
2 outside the state, the person shall inform, in writing within five  
3 working days, the law enforcement agency or agencies with  
4 which he or she last registered of the new address or transient  
5 location and any plans he or she has to return to California, if  
6 known. If the person does not know the new residence address or  
7 location, the registrant shall inform the last registering agency or  
8 agencies that he or she is moving within five working days of the  
9 move, and shall later notify the agency or agencies of the new  
10 address or location within five working days of moving into the  
11 new residence address or location, whether temporary or  
12 permanent. The law enforcement agency or agencies shall, within  
13 three working days after receipt of this information, forward a  
14 copy of the change of address information to the Department of  
15 Justice. The Department of Justice shall forward appropriate  
16 registration data to the law enforcement agency or agencies  
17 having local jurisdiction of the new place of residence .

18 (2) If the person's new address is in a Department of the  
19 Youth Authority facility or a state prison or state mental  
20 institution, an official of the place of incarceration, placement, or  
21 commitment shall, within 90 days of receipt of the person,  
22 forward the registrant's change of address information to the  
23 Department of Justice. The agency need not provide a physical  
24 address for the registrant but shall indicate that he or she is  
25 serving a period of incarceration or commitment in a facility  
26 under the agency's jurisdiction. This paragraph shall apply to  
27 persons received in a Department of the Youth Authority facility  
28 or a state prison or state mental institution on or after January 1,  
29 1999. The Department of Justice shall forward the change of  
30 address information to the agency with which the person last  
31 registered.

32 (3) If any person who is required to register pursuant to this  
33 section changes his or her name, the person shall inform, in  
34 person, the law enforcement agency or agencies with which he or  
35 she is currently registered within five working days. The law  
36 enforcement agency or agencies shall forward a copy of this  
37 information to the Department of Justice within three working  
38 days of its receipt.

39 (g) (1) Any person who is required to register under this  
40 section based on a misdemeanor conviction or juvenile

1 adjudication who willfully violates any requirement of this  
2 section is guilty of a misdemeanor punishable by imprisonment  
3 in a county jail not exceeding one year.

4 (2) Except as provided in paragraphs (5), (7), and (9), any  
5 person who is required to register under this section based on a  
6 felony conviction or juvenile adjudication who willfully violates  
7 any requirement of this section or who has a prior conviction or  
8 juvenile adjudication for the offense of failing to register under  
9 this section and who subsequently and willfully violates any  
10 requirement of this section is guilty of a felony and shall be  
11 punished by imprisonment in the state prison for 16 months, or  
12 two or three years.

13 If probation is granted or if the imposition or execution of  
14 sentence is suspended, it shall be a condition of the probation or  
15 suspension that the person serve at least 90 days in a county jail.  
16 The penalty described in this paragraph shall apply whether or  
17 not the person has been released on parole or has been discharged  
18 from parole.

19 (3) Any person determined to be a mentally disordered sex  
20 offender or who has been found guilty in the guilt phase of trial  
21 for an offense for which registration is required under this  
22 section, but who has been found not guilty by reason of insanity  
23 in the sanity phase of the trial, or who has had a petition  
24 sustained in a juvenile adjudication for an offense for which  
25 registration is required under this section pursuant to subdivision  
26 (d), but who has been found not guilty by reason of insanity, who  
27 willfully violates any requirement of this section is guilty of a  
28 misdemeanor and shall be punished by imprisonment in a county  
29 jail not exceeding one year. For any second or subsequent willful  
30 violation of any requirement of this section, the person is guilty  
31 of a felony and shall be punished by imprisonment in the state  
32 prison for 16 months, or two or three years.

33 (4) If, after discharge from parole, the person is convicted of a  
34 felony or suffers a juvenile adjudication as specified in this  
35 subdivision, he or she shall be required to complete parole of at  
36 least one year, in addition to any other punishment imposed  
37 under this subdivision. A person convicted of a felony as  
38 specified in this subdivision may be granted probation only in the  
39 unusual case where the interests of justice would best be served.  
40 When probation is granted under this paragraph, the court shall

1 specify on the record and shall enter into the minutes the  
2 circumstances indicating that the interests of justice would best  
3 be served by the disposition.

4 (5) Any person who has ever been adjudicated a sexually  
5 violent predator, as defined in Section 6600 of the Welfare and  
6 Institutions Code, and who fails to verify his or her registration  
7 every 90 days as required pursuant to subparagraph (E) of  
8 paragraph (1) of subdivision (a), shall be punished by  
9 imprisonment in the state prison, or in a county jail not exceeding  
10 one year.

11 (6) Except as otherwise provided in paragraph (5), any person  
12 who is required to register or reregister pursuant to clause of (i)  
13 of subparagraph (C) of paragraph (1) of subdivision (a) and  
14 willfully fails to comply with the requirement that he or she  
15 reregister no less than every 30 days is guilty of a misdemeanor  
16 and shall be punished by imprisonment in a county jail at least 30  
17 days, but not exceeding six months. A person who willfully fails  
18 to comply with the requirement that he or she reregister no less  
19 than every 30 days shall not be charged with this violation more  
20 often than once for a failure to register in any period of 90 days.  
21 Any person who willfully commits a third or subsequent  
22 violation of the requirements of subparagraph (C) of paragraph  
23 (1) of subdivision (a) that he or she reregister no less than every  
24 30 days shall be punished in accordance with either paragraph (1)  
25 of (2) of this subdivision.

26 (7) Any person who fails to provide proof of residence as  
27 required by subparagraph (E) of paragraph (2) of subdivision (e),  
28 regardless of the offense upon which the duty to register is based,  
29 is guilty of a misdemeanor punishable by imprisonment in a  
30 county jail not exceeding six months.

31 (8) Any person who is required to register under this section  
32 who willfully violates any requirement of this section is guilty of  
33 a continuing offense as to each requirement he or she violated.

34 (9) In addition to any other penalty imposed under this  
35 subdivision, the failure to provide information required on  
36 registration and reregistration forms of the Department of Justice,  
37 or the provision of false information, is a crime punishable by  
38 imprisonment in a county jail for a period not exceeding one  
39 year.

(h) Whenever any person is released on parole or probation and is required to register under this section but fails to do so within the time prescribed, the parole authority, the Youthful Offender Parole Board, or the court, as the case may be, shall order the parole or probation of the person revoked. For purposes of this subdivision, “parole authority” has the same meaning as described in Section 3000.

(i) Except as provided in Sections 290.01, 290.4, and 290.45, the statements, photographs, and fingerprints required by this section shall not be open to inspection by the public or by any person other than a regularly employed peace officer or other law enforcement officer.

(j) In any case in which a person who would be required to register pursuant to this section for a felony conviction is to be temporarily sent outside the institution where he or she is confined on any assignment within a city or county including firefighting, disaster control, or of whatever nature the assignment may be, the local law enforcement agency having jurisdiction over the place or places where the assignment shall occur shall be notified within a reasonable time prior to removal from the institution. This subdivision shall not apply to any person who is temporarily released under guard from the institution where he or she is confined.

(k) As used in this section, “mentally disordered sex offender” includes any person who has been determined to be a sexual psychopath or a mentally disordered sex offender under any provision which, on or before January 1, 1976, was contained in Division 6 (commencing with Section 6000) of the Welfare and Institutions Code.

(l) (1) Every person who, prior to January 1, 1997, is required to register under this section, shall be notified whenever he or she next reregisters of the reduction of the registration period from 14 to 5 working days. This notice shall be provided in writing by the registering agency or agencies. Failure to receive this notification shall be a defense against the penalties prescribed by subdivision (g) if the person did register within 14 days.

(2) Every person who, as a sexually violent predator, as defined in Section 6600 of the Welfare and Institutions Code, is required to verify his or her registration every 90 days, shall be notified wherever he or she next registers of his or her increased



1 registration obligations. This notice shall be provided in writing  
2 by the registering agency or agencies. Failure to receive this  
3 notice shall be a defense against the penalties prescribed by  
4 paragraph (5) of subdivision (g).

5 (m) The registration provisions of this section are applicable to  
6 every person described in this section, without regard to when his  
7 or her crime or crimes were committed or his or her duty to  
8 register pursuant to this section arose, and to every offense  
9 described in this section, regardless of when it was committed.

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